

Hi. This is Chris Micheli with the Sacramento governmental relations firm of Aprea & Micheli and an adjunct professor at McGeorge School of Law. Today's podcast is on "Convening a Legislative Session."

For our purpose, the next legislative session is Monday, December 7th at 12 noon. That's when the California Legislature will convene its next two-year session. Although the new session begins in December 2020, it's actually designated a 2021/2022 Legislative Session. What are some of the legal requirements to convene a two-year session in the California State Legislature?

First, we consult the Constitution, which speaks to it in Article IV, Section 3(a). Section 3(a) provides that, "The Legislature shall convene in regular session at noon on the first Monday in December of each even-numbered year, and then each house shall immediately organize. Each session adjourns sine die, or for good by, operation of the Constitution at midnight on November 30th of the following even-numbered year."

Now, pursuant to this constitutional mandate, California Government Code in Title 2, Division 2, Part 1, Chapter 1.5, Article II, Section 9020 to 9026.5 is dealing with the Meeting and Organization of the Legislature. It has a number of important provisions.

Of course, in Section 9020 of the Government Code, it reiterates the convening of regular session on the first Monday in December of each even-numbered year. It specifies that the session shall convene at the City of Sacramento at noon somewhere within the confines of city, but it doesn't specify the State Capitol.

In Section 9022, it provides special rules for the State Senate, basically that the President of the Senate or the most senior member takes the chair, calls the members and the members-elect. Then, the Secretary of the Senate calls the senatorial districts in order from which the members have been elected.

As the districts are called, then a member-elect presents his or her certificate, takes the oath of office, and assumes the seat.

In the following section, 9023 is a special rule for the State Assembly which also talks about convening the first time in a regular session and here the Chief Clerk of the Assembly, rather the member of the Legislature, rather the member of the Senate, it's the Chief Clerk, or the senior member-elect takes the chair, calls the members-elect to order, and then goes to the roll of the counties in alphabetical order.

You can go by the 58 counties and name, in alphabetical order, the members who fall within that specific county. When the counties are called, then the members-elect to present their certificates, takes the oath of office, and of course, they assume their seat there.

In Section 9025, the oath is taken by members of the Legislature, and their oaths are entered into Daily Journals for the appropriate house. Just one side note, that prior to December 7th, as a general rule the four political parties, Democrat and Republican in the Assembly and Democrat and Republican in the Senate usually organize amongst themselves and elect their leadership.

Now, in the Assembly but not in the Senate rules, the Assembly has a specific rule in this regard. That's Assembly Rule 13.1. It has a title of "Organization of Party Caucuses."

What it says is within two days after the November general election of each even-numbered year, then the two caucuses may meet for the purpose of selecting their officers at the upcoming regular session. The convening of the majority party is at the discretion of the Speaker. Of course, the Republican leader has the discretion to call his or her caucus within two days of the general election. Basically, the rules that they operate with are what their respective caucuses' decide. That's just a rule in the Assembly, not the State Senate. Otherwise, the provisions related to the upcoming legislative session are found in the state Constitution, as well as several sections in the California Government Code.

Thanks for joining today's podcast. I hope you learned from it.